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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT FO NEW JERSEY

EUGENE JOSEPH
634 Elton Street
Brooklyn, New York 11208

: COMPLAINT AND
: JURY TRIAL DEMANDED
:

vs.
TRUMP PLAZA ASSOCIATES, LLC
D/B/A TRUMP PLAZA HOTEL AND
CASINO
1000 Boardwalk
Atlantic City, NJ 08401-6709
And
OTIS ELEVATOR COMPANY
30 Twosome Drive, Ste. 4
Moorestown, N.J. 08057
And
John Doe/Jane Doe(1-10)
fictitious name for owner/corporation

Civil No.:

07CV3374(RMB)

CIVIL ACTION COMPLAINT

JURISDICTION

1. This action is brought pursuant to 28 U.S.C. §1332 and the amount in controversy exceeds \$75,000.00.

VENUE

2. Venue lies in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §1391.

THE PARTIES

3. Plaintiff, Eugene Joseph is an individual residing at 634 Elton Street, Brooklyn, New York 11208 and is at all times relevant hereto a Citizen of the State of New York..
4. Defendant, Trump Plaza Associates, LLC d/b/a Trump Plaza Hotel and Casino, is a New Jersey Limited Liability Company (hereinafter TRUMP), having its principal place of business located at 1000 Boardwalk, Atlantic City, N.J. 08401-6709 and which does regular, substantial and continuous business in New Jersey
5. Defendant, Otis Elevator Company (hereinafter OTIS) , is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its principal place of business located at 30 Twosome Drive, Ste. 4, Moorestown, New Jersey 08057 and who does regular, substantial and continuous business in New Jersey.
6. Defendant, John Doe/Jane Doe 1 through 10, are individuals, corporations, partnerships, or other entities, whose identities are not known to the Plaintiff at this time, who also owned, possessed or maintained the escalator on the date of the accident but were not citizens of New York.

FIRST CAUSE OF ACTION

7. Upon information and belief, at all times relevant hereto, defendant TRUMP was the operator of the Trump Plaza Hotel and Casino located at 1000 Boardwalk, Atlantic City, New Jersey and by and through its agents, servants, employees and/or workmen maintained the aforesaid premises, including the escalators near the Trump Plaza Transportation Center.

8. Upon information and belief, at all times hereinafter mentioned, defendant TRUMP, its agents, servants, employees and/or workmen had a duty to maintain the aforementioned premises, including the escalators located therein, in a reasonably safe condition for its patrons and others.
9. Upon information and belief, defendant OTIS, its agents, servants, employees and workmen were contracted by defendant TRUMP to provide maintenance of the escalators at the Trump Plaza Hotel and Casino, including the escalators near the Trump Plaza Transportation Center.
10. Upon information and belief, at all times hereinafter mentioned defendant OTIS, its agents, servants, employees and/or workmen maintained the escalators at the Trump Plaza Hotel and Casino, including the escalators near the Trump Plaza Transportation Center.
11. Upon information and belief, at all times relevant hereto, defendant OTIS, its agents, servants, employees and/or workmen had a duty to maintain the escalators aforementioned in a reasonably safe condition for defendant TRUMP's patrons and others.
12. On or about July 23, 2005, at approximately 10:30 p.m., the plaintiff Eugene Joseph was a guest or invitee at the Trump Plaza Hotel and Casino.
13. On or about July 23, 2005, at approximately 10:30 p.m., while using the up escalator near the Trump Plaza Transportation Center, the escalator sped up, then abruptly started going backwards, causing plaintiff Eugene Joseph to fall backwards down the escalator.
14. On or about July 23, 2005 at approximately 10:30 p.m., defendants TRUMP,

OTIS, and Defendant, John Doe/Jane Doe 1 through 10, through their agents, servants, employees and/or workmen, so carelessly, recklessly and negligently constructed, inspected, repaired, maintained and operated the escalator where Plaintiff fell and so carelessly, recklessly and negligently caused, permitted and/or allowed the escalator to malfunction and/or operate in an unreasonable, inadequate and unsafe manner, as more specifically stated above, that as a direct and proximate result, the escalator sped up, then abruptly started going backwards, thereby causing plaintiff, Eugene Joseph to fall and sustain serious personal injuries including, but not limited to traumatic right sided pneumothorax, cervical, thoracic, and lumbar myofascitis.

15. The carelessness, recklessness, and negligence of the defendants, through their agents, servant, employees and workmen consisted, among other things of:
 - a. Defendants caused, permitted and/or allowed the escalator to malfunction and/or operate in an unreasonably, inadequate and unsafe manner;
 - b. Defendants failed and neglected to construct, inspect, repair, maintain and operate the escalators in a standard suitable for the its intended purpose;
 - c. Defendants failed to warn Plaintiff, Eugene Joseph, of the possibility that the escalator could speed up, stop abruptly and/or move backwards which could cause Plaintiff to lose his balance and fall;
 - d. Defendant allowed the dangerous and hazardous condition of the escalator to exist for a period of time prior to the accident without warning or other remedial measures to safeguard the plaintiff.
16. As a result of the negligence and/or carelessness on the part of the Defendants,

Plaintiff, Eugene Joseph, was caused to sustain severe personal injuries, has been and in the future will be caused to undergo great pain and suffering, has been and in the future will be caused to expend large and diverse sums of money for medical care and attention in an effort to cure himself of said injuries, has been and in the future will be caused to have lost wages and/or earning capacity..

WHEREFORE, Plaintiff, Eugene Joseph, demands that judgment be entered in his favor and against ALL DEFENDANTS, jointly and severally, for damages together with interest and costs of suit.

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